

## REMARKS

The office action of July 10, 2006 has been reviewed and the examiner's comments carefully considered.

The examiner has rejected the claims in light of newly cited patent 4,012,690 to Heytow (the Heytow patent), taken alone or in various combinations. The Heytow patent is directed to a distinctly different type of metal detecting system than is the present invention. In the metal detector systems of the type disclosed in the Heytow patent, coils are constructed to extend entirely around the target area (see figures 1 and 7 and 10) and the test subject is transported through the coil loop. This type of arrangement requires a surrounding housing structure to be created.

The metal detector of the present invention operates in a different manner. The invention operates similar to wand type devices that are known in the art. The difference between the Heytow type of detector and the present type is significant in that in order to accommodate humans the opening in the Heytow type must be large enough for humans to easily walk through (as shown in figure 1). This large opening then affects the sensitivity of the overall device over the entire opening and may not be entirely effective for detecting metal in shoes. See the discussion in U.S. Patent 5,039,981, already of record, regarding the problem with detecting metal in shoes and lower extremity of subjects adjacent the ground as shown in the Heytow patent construction. See also U.S. Patent 6,970,087 for similar discussion.

The claims have been amended to distinguish the present invention from the "through the coil" type of the Heytow patent. Namely the independent claims (and dependent claim 8) have been amended to clarify that the metal scanner element is positioned entirely vertically below the shoe receiving surface. This language teaches away from a through the coil type detector as in the Heytow patent.

The present invention is a simple but innovative solution that provides an effective solution to the problems with shoe and lower extremity scanning that have NOT been adequately addressed in the prior art. The prior art references acknowledge the

problem and the claims, as amended, define a unique solution that is not taught or suggested by the prior art of record taken alone or in any fair combination thereof.

Claims 1-12 remain in the application and favorable action is respectfully requested.

Respectfully Submitted;

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